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# National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

## Netherlands

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# I. Introduction

1. The four countries of the Kingdom of the Netherlands are all democratic states governed by the rule of law. The promotion and protection of human rights on the ground is a vital prerequisite in our democratic societies and the Kingdom of the Netherlands will continue its efforts in this area.[1] The UPR cycles are a valuable addition to the continuing debate on the state of human rights in the Kingdom and the recommendations flowing from this process are a solid basis for dialogue with all relevant national and international stakeholders. Therefore, the Kingdom has voluntarily submitted an interim report on the implementation of the recommendations from the previous UPR cycle in November 2014.

2. Societies are constantly changing under the influence of, among other things, economic developments, technological advancement, demographic trends and increased migration. This can lead to new challenges in the area of human rights. For example, since the last UPR in 2012, discussions in the media and in politics seem to have intensified in the Netherlands and the perceived antagonisms between different groups in the Dutch pluralist society at times dominate public debate. Many see the benefits of a diverse society, however, it also gives rise to debate about what citizenship and integration may require of anyone living in the Netherlands. Simultaneously, both the government and citizens have taken many initiatives to overcome these differences with respect for diversity.

### Constitutional framework: one Kingdom, four countries[2]

3. In 2010, the Kingdom of the Netherlands underwent constitutional reforms. In the new structure, the Kingdom of the Netherlands consists of four countries of equal status: the Netherlands, Aruba, Curaçao and St Maarten. Although there is some form of cooperation between the countries in the field of human rights, each of the countries is autonomous in its implementation of the obligations stemming from the different human rights conventions.

4. Bonaire, St Eustatius and Saba – which were previously part of the Netherlands Antilles together with Curaçao and St Maarten – are now part of the country of the Netherlands. It is the aim to eliminate any unjustified differences between the Caribbean and the European parts of the Netherlands as soon as possible. However, it is important that the islands are given sufficient time to absorb all the new statutory and other measures that are needed.

5. Since 2010, much has already been achieved, for example in the areas of access to health care and the quality of primary education. In other areas, integral multiannual programmes have been formulated. The four focal points of these programmes are poverty reduction, economic development, the advancement of children's rights and good governance. These programmes are island-specific, in order to accommodate for the differences between the islands.

# II. Methodology and consultation process

6. The Ministry of the Interior and Kingdom Relations and the Ministry of Foreign Affairs have a joint responsibility for the follow-up of UPR recommendations, with the former being in charge of drafting this national report. They cooperate closely with the Ministries of Security and Justice; Social Affairs and Employment; Education, Culture and Science; Health, Welfare and Sport; and Economic Affairs.

7. In preparation for this report, two consultative meetings were held. In June 2016, a meeting was organised in cooperation with the Dutch section of the International Committee of Jurists and the Netherlands Institute for Human Rights where NGOs and ministries could share ideas on the UPR process and on relevant topics. This was followed by a larger consultation with the Netherlands Institute for Human Rights, the National Ombudsman and several NGOs in September 2016 that led to a constructive exchange of views on the various subjects that those present felt should be addressed in the national report. Furthermore, the Association of Netherlands Municipalities and some of the larger cities have been consulted on the topic of human rights at the local level.

8. After the upcoming review, the Netherlands will organise an event where relevant stakeholders can discuss the implementation of the recommendations and ideas for a continuous follow-up of the UPR procedure. The national UPR implementation will also be subject of discussion in the interministerial human rights consultative committee.

# III. Human rights infrastructure

## A. Observance of human rights at the national level

9. Human rights law in the Netherlands is found in different sources, which are specified in Chapter 3.1.1 of the Netherlands' National Action Plan on Human Rights.[3] The government is responsible for ensuring the observance of human rights norms when drafting legislation and developing policy. To provide guidelines for this purpose, an Integrated Impact Assessment Framework (IAK) is available, which contains – among other things – fact sheets, manuals and check lists on a variety of topics, including human rights. The available documents include a checklist on civil and political rights, guidelines on economic, social and cultural rights, and a manual on the national application of the EU Charter of Fundamental Rights.

### National Action Plan on Human Rights[4]

10. The Netherlands' National Action Plan on Human Rights was published on 10 December 2013. The Action Plan sets out the ways in which the government fulfils its responsibility to protect and promote human rights in the Netherlands, the objectives and priorities it defines in this regard, and the role of other bodies and individuals in this context. Five specific policy themes are discussed in the Action Plan: "non-discrimination and equal treatment", "information society", "immigration and asylum", "physical integrity and personal liberty" and "education, employment and culture". The Action Plan was followed by an interim report in November 2014 and both documents led to debates in parliament.

11. Aruba is currently taking steps to draft a national human rights action plan. It will base this on the most recent periodic reports submitted under the human rights instruments and the international recommendations arising from them. This integrated action plan, embracing a broad spectrum of human rights, with set priorities and implementation paths, will promote the observance and implementation of human rights in Aruba. An initial survey was carried out to establish the priorities, which includes the consultation of NGOs. The plan is expected to be completed in 2017, after which it will be sent to the Council of Ministers for approval.

## B. Monitoring of human rights at the national level

12. In order to protect human rights, observance must be monitored. At the national level many different actors are involved in this process. These are listed in Chapter 3.1.3 of the Netherlands' National Action Plan on Human Rights.[5] An example is the Netherlands Institute for Human Rights, which was founded in October 2012, and was awarded the so-called "A" status in May 2014, which means it fully complies with the Paris Principles.[6]

13. The government of Aruba made a commitment during the 2012 UPR to create an independent human rights institute, based on the Paris Principles, similar to the one in the Netherlands. As the Aruban Parliament has announced to work towards the establishment of an Ombudsman and Children's Ombudsman in the near future, the Interdepartmental Human Rights Committee will look into the possibility of linking the Human Rights Institute with these institutions. Draft legislation for the establishment of the Ombudsman and Children's Ombudsman is awaiting public debate.[7]

14. In Curaçao, the Ombudsman Curaçao and the Ministry of Social Development, Labour and Welfare have jointly taken concrete steps towards setting up a Children's Ombudsman for the country.

## C. International human rights conventions and protocols

15. The Dutch Constitution states that the government promotes the development of the international legal order.[8] The Netherlands is party to most human rights treaties and has supported numerous resolutions and declarations relating to specific thematic areas.

16. On 14 June 2016, the Netherlands ratified the Convention on the Rights of Persons with Disabilities. The Convention entered into force in respect of the Netherlands on 14 July 2016. Since then, the Netherlands has commenced the implementation of the Convention, *inter alia* by establishing a national mechanism for implementation and monitoring pursuant to Article 33 of the Convention. This will be a bureau in which representatives of national government, local authorities, entrepreneurs, employers, persons with a disability and their representatives work together. Its remit will include awareness-raising activities and encouraging initiatives. Such initiatives should preferably originate from society at large, since this promotes wide support and optimal results. The bureau will be a repository of hands-on expertise. The Netherlands Institute for Human Rights has been designated as the independent monitoring body.[9]

17. Aruba is mapping the consequences of the Convention's entry into force in order to prepare for its approval.

18. Late 2016, the Netherlands decided to launch the proceedings towards ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Early 2017, advice from the Council of State is being requested.[10]

## D. Human rights at the local level

19. Citizens deal with different tiers of government. Each tier bears responsibility, both separately and conjointly, for the protection and promotion of human rights. This especially applies with the growing trend towards decentralisation. As youth care, long-term care and employment support were transferred to municipalities on 1 January 2015, local authorities have acquired new tasks and responsibilities, for example related to the areas of children's rights, economic and social rights, and data protection. As municipalities are the tier of government closest to the citizens, decentralisation offers promising opportunities from a

human rights perspective. For example, the new social support legislation explicitly encourages municipalities to locally work towards an inclusive society. At the same time, differences in local policy implementation and diminished budgets call for persistent attention for the observance of human rights.

20. Many municipalities work on the promotion and protection of human rights. Some notable examples of human rights actions at the local level are:

- The municipal antidiscrimination bureaus, that make it possible for virtually anyone in the Netherlands to report discrimination and to receive professional support;[11]
- The UN panels in municipalities that test local policies to the Convention on the Rights of Persons with Disabilities;
- The 44 so-called "Rainbow Cities", which have signed the Rainbow Cities Covenant, in which they declare to improve the social acceptance, safety and emancipation of LGBTIs;
- The (originally European) Shelter City Initiative of NGO "Justice and Peace" in collaboration with Dutch Cities, has made it possible for international Human Rights Defenders that are under pressure because of their work, to apply for a three-month temporary shelter in one of the eight Dutch Shelter Cities: Amsterdam, The Hague, Middelburg, Maastricht, Nijmegen, Utrecht, Tilburg and Groningen.

21. A handful of municipalities have – on top of the existing efforts in this field at the local level – decided to also explicitly use the term "human rights" in their policies. Whether municipalities do this often depends on willing mayors, aldermen or municipal councils who wish to incorporate the concept of human rights in their municipality's policy-making framework. Examples in the Netherlands are the cities of Amsterdam, Middelburg and Utrecht. These cities have actively worked, in cooperation with civil society and their citizens, to promote awareness of the concept of human rights.

## E. Business and human rights

22. The Netherlands promotes corporate respect for human rights in accordance with the UN Guiding Principles on Business and Human Rights. In 2013, the Netherlands was one of the first countries to adopt a National Action Plan on Business and Human Rights to implement the UN Guiding Principles.[12] Its objective is to prevent companies from being involved in human rights abuses, focusing on Dutch companies doing business abroad. The promotion of this agenda was a priority during the Dutch Presidency of the Council of the European Union in the first half of 2016. The Netherlands also chaired the negotiations on a Council of Europe Recommendation on business and human rights which was adopted in March 2016.[13] On the basis of a risk analysis of the Dutch economy, the government aims to conclude agreements with the sectors that are most at risk in terms of human rights and other corporate social responsibility issues. The first agreement, concluded with the Dutch textile sector, was signed on 4 July 2016. The Netherlands also introduced domestic legislation to lower barriers for access to remedy for victims of business-related human rights abuses. The government supports several NGOs for projects geared towards corporate accountability.

# IV. Promotion and protection of human rights in the Kingdom of the Netherlands

## A. Equality and non-discrimination[14]

23. The Netherlands promotes equal treatment and non-discrimination on numerous grounds through various legislative and policy measures, which are further discussed below. There is also an infrastructure in place for the reporting and combating of discrimination. This includes low-threshold local antidiscrimination bureaus that provide free advice and support to victims of discrimination, and the Netherlands Institute for Human Rights that can give expert opinions in discrimination cases. Discrimination can naturally also be reported to the police and prosecuted by the Public Prosecution Office.

24. Article I.1 of the Aruban Constitution prohibits discrimination based on religion, race, sex, colour, national or social origin, property, birth, or on any other ground not explicitly mentioned in this provision. It also enshrines the principle of equality. This article provides a guide for the Aruban legislature and government. Under the Constitution the courts have the power of review. A citizen who claims that a given law is contrary to the first article of the Constitution may request the court to review the constitutionality of the law. If the law is deemed to be contrary to the Constitution the judge will declare it non-applicable in the individual case before the court.

25. Chapter two of Curaçao's Constitution prohibits discrimination on the basis of religion, national or social origin, political affiliation, race, gender, and based on any other grounds, and ensures equality of all under the law.

### 1. National Action Programme to combat discrimination[15]

26. The Dutch Government presented a new National Action Programme to combat discrimination in all its forms on 22 January 2016.[16] This programme provides a boost and brings coherence to the government's policies in this area, and articulates the government's vision of how to combat discrimination and xenophobia in the coming years. The programme includes both the general antidiscrimination approach, and measures focused specifically on various target groups, among which people who are discriminated against on the grounds of descent, skin colour, religion, sexual orientation, gender, age and handicap or chronic illness. The parliament will be informed annually on the progress made in this respect.

27. The Action Programme has four pillars. The pillar on the prevention of discrimination included a multi-annual awareness raising campaign to "strike out" discrimination that started in September 2015. Another pillar is the strengthening of local antidiscrimination policies. This incorporated a study of the structures and effectiveness of local antidiscrimination services, which is expected to be published in February 2017.[17]

### 2. Labour market discrimination[18]

28. In response to the Social and Economic Council of the Netherlands' advisory report, the government presented an Action plan against labour market discrimination on 16 May 2014. On 1 September 2015 and on 3 November 2016 progress reports on this action plan were published. The action plan lists 48 concrete measures to tackle labour market discrimination, which include:

- the start of a Diversity Charter (in which trade unions and employers' organisations are represented);

- the ending of contracts between government and companies which have been convicted of discrimination;
- the formation of a labour discrimination team at the Inspectorate of the Ministry of Social Affairs and Employment;
- the abovementioned multiannual antidiscrimination campaign[19] and a separate campaign on labour market discrimination (which started on 31 May 2016 and will be repeated in November 2017).

### 3. UN Decade for People of African Descent[20]

29. The Netherlands sees the Decade for People of African Descent (2015–2024) as an opportunity to intensify efforts to combat racism against people of African descent. Dutch policy related to this Decade and its implementation is driven by a joint effort of the government and society and the participation of the community concerned is of key importance. The government has drawn up a framework memorandum presenting a common vision on the details and implementation of policy arising from this Decade in the Netherlands. The memorandum follows the three pillars of the Decade: recognition, justice, and development. Early July 2016, a social map of organisations, networks, and individuals involved in improving the position of people of African descent in the Netherlands was posted on www.organisatiesafrikaanseafkomst.nl. Through this website, these actors can find each other and collaborate. In August 2016, a €500,000 tender was launched for educational projects to help raise awareness and support empowerment. The government also provided a grant towards a story competition and Academy X was launched. This educational initiative helps young people of African descent develop their potential and combat exclusion mechanisms. Furthermore, a competition was announced in October, which aims to formulate a unifying message that can further stimulate awareness of racism against people of African descent in the Netherlands. At the end of 2016 a conference was held to launch the Netherlands' approach to the Decade. Furthermore, government representatives discuss relevant themes at numerous round-table meetings and creative sessions with members of the target group.

30. A recurring issue in this context is the old Dutch tradition of Sinterklaas and the character of the so-called Black Pete. The traditions accompanying this celebration have always been developing and will continue to evolve. The Dutch government shares the view of the Netherlands Institute for Human Rights that a ban on Black Pete by the national government is not an appropriate solution, but that the government can play a role in enhancing and facilitating a respectful national dialogue leading to initiatives by society to adjust Black Pete into a figure that does justice to everyone. Over the last few years we are witnessing changes in the appearance of Black Pete.

31. In Curaçao, the Curaçaoan coalition for the UN Decade for People of African Descent was launched on 10 December 2015. The coalition consists of government agencies and NGOs and is led by the National Archaeological Anthropological Memory Management Institute.

### 4. The prevention of ethnic profiling[21]

32. The police are expected to take a proactive approach to preventing and discouraging crime at an early stage. In doing so, it is important to exercise due care at all times. Preventing ethnic profiling is crucial to the legitimacy of, and the public confidence in, the police. The actions taken to prevent ethnic profiling focus on education and training, fostering good relations, diversity in the work force, and efforts to improve the complaints procedure. Within these four pillars, good progress has and is being made. To do so, the police launched the three-year programme 'The power of difference' in 2015. The progress

made in these areas is reported annually via the National Action Programme to combat Discrimination.[22]

## 5. Women's rights[23]

*Economic independence*

33. Although a large proportion of women participate in the workforce, far fewer are economically independent. Many are dependent on their partner's income. The government is trying to increase women's economic independence by making it easier to combine paid employment and care tasks and by encouraging women to participate in the workforce. Over the past years this has been done within the equal opportunities policy framework, with self-reliance programmes[24] that focus on local cooperation between municipalities, employers, educational establishments, and women's organisations to help women who are not economically independent. For the year 2017, centre municipalities of the labour market regions could request co-financing for projects aimed at increasing women's economic independence that are compatible with the local situation. Out of 35 centre municipalities, 25 used this possibility. The Netherlands also supports a number of initiatives that focus on increasing the economic independence of specific groups of women.[25]

*Gender pay gap*[26]

34. The government commissions research on the gender pay gap at regular intervals. Between 2008 and 2014, the pay gap in the public sector decreased from 16% to 10% and in the private sector from 22% to 20%. The pay gap is largely due to the different positions men and women occupy in the workforce. Women tend to occupy lower positions, have less job experience, and work in different sectors than men. Equal opportunities policy is geared towards narrowing such differences in employment, which will automatically reduce the pay gap. Part of the gap results from women being paid unequal wages for equivalent work. This is unlawful, and such cases can be submitted to the Netherlands Institute for Human Rights and the civil courts. Furthermore, specific measures incorporated into the Action plan against labour market discrimination[27] are aimed at reducing the gender pay gap. These include commissioning further studies and promoting the active involvement of the social partners, which are taking a range of initiatives in this area.

*Pregnancy discrimination*

35. In consultation with the Netherlands Institute for Human Rights, the scope was explored for measures to further combat pregnancy discrimination. In this connection, a round-table meeting with the social partners was organised on 26 September 2016 to discuss how best to devise a joint approach to tackling pregnancy discrimination, in addition to the existing measures in the Action plan against labour market discrimination.[28] Numerous ideas were put forward, and the participants declared their willingness to consider them jointly. On the basis of the ideas advanced at this meeting, an action plan on pregnancy discrimination is currently being prepared, and publication is expected in February 2017.

*Equal representation in top positions*[29]

36. The Netherlands has an active approach towards stimulating the participation of women in top-level positions. Measures are in place to increase women's positions in the civil service, academia and companies. The government set a target to have at least 30% of top positions in the central government's senior civil service held by women by 2017. This target was met in 2015 and the current number is 33.3%. To increase the number of women

in academia, the government has asked all universities to set their own targets, and has also financially supported the national network for female professors. Furthermore, in 2017, the government will make a €5,000,000 subsidy available for the appointment of 100 extra female professors to celebrate the fact that 100 years ago the first female professor Johanna Westerdijk was appointed. Finally, the government has decided to extend the civil code which mandates that 30% of the management and supervisory boards of companies should be filled by women. In order to encourage companies to comply, active cooperation has been sought with the employer's federation. Additionally, financial support has been given to the foundation topvrouwen.nl, which makes both highly qualified women and available top positions more visible.

*Integrated national gender policy in Aruba*

37. In response to UNICEF's assessment and CEDAW's concluding observations a commission has been appointed with the task of developing an integrated national gender policy. Consultations are being held with the relevant stakeholders on the areas identified as essential for the protection and promotion of women's rights, including the combating of violence against women, participation in public and political life and empowering women and girls. A comprehensive policy plan for Aruban youth has also been developed in response to UNICEF's assessment.

## 6. LGBTI

*Combating transgender discrimination and stimulating their employment*[30]

38. The Netherlands supports the national expertise and lobbying group Transgender Network Netherlands (TNN), in areas such as building up networks for transgender individuals, increasing sensitivity among employers, and sharing best practices to promote the participation of transgender people. It also supports a project to help transgender people to (re-)enter the labour market, through coaching, job application training, and in some cases supervision in the workplace. To improve the rights of transgender people within Europe, the Netherlands supports the work of Transgender Europe.

*Intersex people*

39. The Netherlands supports the advancement of the rights of intersex people both nationally and internationally. Themes discussed nationally include promoting and protecting health, medical ethics policy, research on the specific problems of intersex children, and the promotion of expertise among medical professionals. To further these goals, an expert meeting was held with all the relevant parties and experts in November 2016 to chart the issues that may be at stake, to identify the specific problems experienced by intersex people, and to define what the role of the Dutch government and of other stakeholders could be in tackling these problems. In the first half of 2017, a follow-up meeting will be organised to discuss the results of some of the thematic working groups. In addition, a preliminary investigation was conducted in 2016 on the question of whether the prohibition of discrimination on the grounds of gender identity and gender expression could be made explicit in the Equal Treatment Act, including references to physical sexual characteristics. On 16 January 2017, a draft bill was submitted by parliament to clarify discrimination on the grounds of gender in the Equal Treatment Act, so it would thereafter include physical sexual characteristics, gender identity and gender expression. Furthermore, the possibility is being explored of devising a specific 'product' for use in information sessions at schools on intersex or sexual variations. Finally, on 26 October 2016 (Intersex Awareness Day), the guide "10 Q&As about intersex" for local professionals was published, with financial support from the government.

*Safety of LGBTIs*

40. LGBTIs are more likely to feel unsafe in their local neighbourhood than heterosexuals. A large proportion of incidents of bullying and/or violence are not reported to the police, and those that are reported are not always dealt with properly. Combating discrimination and hate crimes against LGBTIs is rarely incorporated into the safety policies drawn up by municipal councils. However, the police have taken up the subject, for instance through the 'Pink in Blue' organisation, which is an LGBTI network within the police. The antidiscrimination bureaus also take an active role in improving the efforts to stamp out violence and discrimination targeting LGBTIs, from identifying and reporting to taking effective action, aftercare, and prevention.

41. Since 2011, NGOs, knowledge institutes, and others including the police have been cooperating in a national gay-straight alliance called *Natuurlijk Samen*.[31] This has heightened awareness of the problem, but the approach still tends to be ad hoc: action is only taken in response to specific incidents. Over the next years, greater effort will be made to build up partnerships with municipal organisations and those involved in safety issues. In addition, LGBTI discrimination will be linked more strongly to discrimination on other grounds, such as ethnicity, which is also a key factor in numerous incidents in local neighbourhoods and asks for a similar, more effective, approach.

*Same-sex unions in Aruba*

42. With the parliamentary adoption of an amendment to the Civil Code concerning the law of persons and family in September 2016, registered partnerships have been made possible for civil unions between both same-sex and heterosexual couples.

## B. Rights of the Child[32]

### 1. Youth Act and participation

43. The Netherlands finds it important to involve children and young people in thinking about and discussing policies that affects them. The new Youth Act (which entered into effect on 1 January 2015) therefore provides that municipalities must actively involve young people and families in framing youth policy, and youth participation is a priority issue in the Youth Policy Modernisation Agenda. Over the past year, the government has reached out to young people in diverse ways to discuss policy and participation. Examples include consultations with the Youth Task Force, Consulting Kids, Speak&Eat and the Youth Summit that took place in June 2016, where young people were explicitly represented. The government also benefits from the expertise of the National Youth Council. This participation will be further developed in consultation with children's rights NGOs.

### 2. Child abuse and sexual exploitation of children[33]

44. The Dutch approach to child abuse focuses primarily on ensuring that professionals deploy the existing set of instruments (such as the domestic violence and child abuse protocol and the 'child check' it includes) effectively and on supporting municipalities in their responsibility for tackling child abuse. The main focus is on ensuring that the 'Safe at Home' organisations (the advisory and reporting centres for domestic violence and child abuse) are functioning as they should. Furthermore, the Collective against Child Abuse is helping six municipalities to improve the local integrated approach to child abuse.

45. The Netherlands has also taken numerous measures to combat (sexual) exploitation of children. In the past seven years, a nationwide action plan combating the practice of so-called "loverboys" (human traffickers exploiting vulnerable girls, through means of a

feigned relationship) has been implemented, encompassing various measures aimed at prevention, prosecution and the protection of victims. These measures range from preventive awareness-raising social media campaigns, to intensified prosecution of clients of child victims of sexual exploitation, and to investing in specialised care for youth victims. The Netherlands has expert-prosecutors and judges, who specialise in cases of human trafficking, including the exploitation of children.

46. The Netherlands drafted an Action Plan to prevent and combat child sex tourism for the period 2016–2018. The Action Plan contains a cohesive package of measures that involves public and private partners. The Action Plan focuses on 1) prevention (a range of social media campaigns to raise awareness amongst travellers to the development/implementation of a model to create (inter)national barriers for child sex tourism); 2) investigation and prosecution (e.g. the use of two liaison officers in South East Asia for tackling child sex tourism); and 3) international cooperation with Europol, Interpol (for the development of an international certificate of conduct), the Virtual Global Taskforce, the Council of Europe (participation in the Lanzarote Committee), etc.

### 3. Children in detention[34]

47. The Dutch government deems it important that young people that come into contact with police or judicial authorities receive assistance, are treated correctly and are given sentences that are appropriate in light of the offense, the person and the situation of minors. Dutch juvenile criminal law has an educational character that focuses on development, re-education and rehabilitation of juvenile suspects. The basic principle in the Dutch juvenile criminal system is that custody should only be used as a last resort, and for the shortest appropriate period of time. In the prosecution of criminal offenses, it is the aim to keep children out of criminal proceedings and to find alternatives, with respect for children's rights.

48. Dutch juvenile criminal procedure prescribes that a judge who orders pre-trial detention, must officially determine whether this can be suspended immediately or at a later date.[35] Furthermore, during the full period of pre-trial detention, it must frequently be determined by the courts that the detention remains lawful. Alternatives include the suspension of the pre-trial detention under specific conditions (e.g. a duty to report and/or a restraining order), night detention or house arrest with electronic monitoring.

### 4. Improving the position of children in acrimonious divorces

49. A divorce that follows an acrimonious path can have a devastating impact on the children. Parents, children, and the social network surrounding the family should be properly equipped to make it possible for both parents to cooperate in raising their children. Care provision, legal proceedings, and the training of professionals should be organised in a manner to support them in this task and to 'push' them in the right direction.

50. An implementation plan was drafted in 2014 that aims to improve the position of children whose parents are involved in an acrimonious divorce. The plan is geared towards preventing, identifying at an early stage, and ending the 'hostilities' in an acrimonious divorce, and limiting the damage that such acrimony causes to children. Early 2017 the government will provide information on the overall progress made in the implementation plan.

### 5. Government Committee on the reassessment of parenthood

51. From 2014 to 2016, the Government Committee on the reassessment of parenthood conducted a study with the aim of advising the government on the desirability of changing the existing regulations surrounding legal parenthood and introducing legislation allowing

for parenthood and parental responsibility for more than two parents, and for surrogacy. The fundamental rights enshrined in the Constitution and relevant international conventions provided the frame of reference, in particular those relating to the rights and interests of the child. The Committee's report makes proposals aimed at creating more flexibility in forms of legal parenthood, as families can be composed in different ways and the interests of the child should be legally guaranteed in all these situations. The government will continue to study the report in the coming months and decide what follow-up to the report is necessary and/or desirable.

### 6. Children's rights in Aruba

52. With the amendment of the law on family names, parents may now choose whether to give their child the family name of the mother or the father, while previously children born in wedlock (or acknowledged by the father) automatically took the father's name. The new law also prohibits corporal punishment in the family setting and establishes by law an advisory and reporting centre for child abuse.[16]

53. A Kingdom-wide task force was set up to promote cooperation in the field of children's rights. The issues it addresses include violence against children and the role of parents in children's upbringing.

54. The government also re-installed the National Children's Rights Committee in October 2014, with the aim of giving a fresh impulse to the coordination and monitoring of the implementation of the Convention on the Rights of the Child.

### 7. Children's rights in Curaçao

55. Children are entitled to information and should be made aware of their rights. Since 2008, partner organisations in Curaçao have been organising activities that focus on informing children and young adults about legal provisions related to children's rights through, for example:

- Various NGOs including *Fundashon Material pa Skol* (Foundation for School Supplies), *Fundashon Bos di Hubentut* (Foundation for the Voice of Youth), and *Federatie Antilliaanse Jeugdzorg* (Antillean Federation for Youth Care), in partnership with other organisations such as the Guardianship Council, the Curaçao Child Protection Foundation, and SEDA (Centre for Women's Development) organise a range of annual activities in relation to the Universal Children's Day, including:
    - The dissemination of information on children's rights in the media and at schools;
    - The organisation of conferences, debates and other events with guest speakers to inform youth on themes related to the rights of the child;
    - The organisation of the *Festival Derechi di Mucha* ('Festival for the Rights of the Child'), highlighting children's rights through art, song, and other forms of expression;
- The publishing of three books raising awareness about child sex abuse;[17]
- A government-launched annual information market, where information is available for the public regarding early childhood education.

### 8. National Action Programme for Youth Development in Curaçao[18]

56. In 2014 the Curaçao government started a new policy approach on youth development, based on a more integral approach and positive view on youth development:

the Action Programme for Youth Development. This programme is directed towards creating chances and possibilities for all young people in Curaçao between 0-24 years of age. Youth participation is considered very important and so youth are involved in both the setup, validation and implementation of the programme. The programme focuses on five areas of youth development: 1) education and childcare; 2) employment and entrepreneurship; 3) security; 4) health and welfare; and 5) homes and neighbourhoods. The programme endeavours to facilitate collaboration among local partners and work towards concrete goals for youth development.

### 9. Foundation for Judicial Youth Care in Curaçao

57. The Foundation for Judicial Youth Care *(Ambulante Justitiële Jeugdzorg Curaçao)* was established in 2013 to contribute to a safer Curaçao, through providing support and guidance activities for high-risk 12-18-year-olds, organising youth rehabilitation activities, and creating a Community Safety Partnerships.[39] Its preventive activities include organising informative talks about the organisation's walk to the public, and relevant authorities. The organisation also provides teachers with guidelines to equip them with the necessary skills to help youth in vulnerable situations, and to raise awareness among young people regarding the conditions that lead to juvenile crime.

## C. Privacy

### 1. Duty to report data breaches

58. The 2016 amendment to the Data Protection Act requires data controllers to provide information on any personal data breach to the Data Protection Authority (DPA) and to the data subjects themselves, where there is any likelihood of the breach having a serious adverse impact on an individual's private life. In addition, the DPA's powers to impose administrative fines for infringements of the Data Protection Act have been significantly expanded. It can now impose fines of up to €820,000. New procedural and substantive safeguards have been put in place that enable the DPA to narrow the scope of the somewhat broadly formulated provisions of the Data Protection Act for application to the case at hand, in order to fully respect the principles of foreseeability and legal certainty.

### 2. Privacy Impact Assessments

59. The central government's use of Privacy Impact Assessments, which has been obligatory since 2013 when large sets of personal data need to be processed as a consequence of new legislation or policy, was evaluated by independent researchers in 2016. The report's main findings are that the use of PIAs has a positive effect on the careful, appropriate, and lawful processing of personal data. Still, the effect could be improved. The report recommends increasing the expertise and awareness of privacy issues within government bodies, making the question model more user-friendly (e.g. by removing legal jargon) and by ensuring that PIAs are carried out in a timely fashion. A new question model will be developed in the coming year.

### 3. Big Data

60. In April 2016, the Scientific Council for Government Policy released a report on Big Data in a Free and Secure Society. In response to this report the Dutch Cabinet sent a letter to Parliament in November in which the cabinet stated that it will explore the usefulness of Big Data Analytics further, while developing sufficient guarantees for data protection, non-discrimination, transparency and reliability of used data and methods of analysis.

### 4. Intelligence and Security Services Bill

61. The Intelligence and Security Services Bill was introduced to parliament on 28 October 2016. This bill regulates the various (special) powers of the intelligence and security services, which could infringe on the right to privacy. Due regard has been given to the criteria developed by the European Court of Human Rights in this area[40] and this has resulted in adequate safeguards to protect the right to privacy. Furthermore, the bill provides for an effective monitoring and complaint system. In the context of the complaints procedure, binding judgments can be delivered by an independent complaint body.

## D. Immigration, integration and asylum[41]

### 1. Response to increased influx of asylum seekers

62. In (particularly the summer and autumn of) 2015, the Netherlands found itself dealing with an influx of asylum seekers that was unprecedented for this country. The government's highest priority during this time was ensuring that all those concerned could be accommodated in a humane fashion. The Netherlands made a great effort to achieve this, which was successful. Not a single asylum-seeker was left without shelter during this peak influx. This meant that reception centres had to be prepared rapidly, and consequently they did not always fulfil all the criteria that had been set in the past. Nonetheless, everyone was assured of safe, humane shelter. Other major concerns were healthcare issues and identifying and registering all new arrivals. Due to the large numbers involved, the waiting times during the asylum procedure became longer than usual and the need to create temporary shelters meant that people had to move from one location to another more frequently than was desirable. By now the influx of asylum seekers has greatly diminished, so there is a definite prospect of reducing the time taken to process applications and normalising the conditions at reception centres. Efforts now also focus on finding housing for the large group of asylum seekers who have since been given residence permits and on ensuring their integration into Dutch society.

### 2. Aliens detention / Detention for groups in vulnerable situations[42]

63. Unaccompanied minors are not placed in border detention. Families with minor children are screened at the Schengen border. Since the introduction of this screening, no families that have requested asylum at the Schengen borders have been placed in the special closed family centre.

64. For families with minor children who are required to leave the country and who are living in open reception centres, the policy change announced previously, according to which families with minor children could no longer be placed in detention with a view to expulsion unless they had previously evaded supervision, is no longer applicable. This is because the measure gave rise to a steep increase in the number of families with minor children who evaded supervision as soon as they had been notified of their date of expulsion. Almost two-thirds of these families evaded supervision, whether partially or totally, in this period. These families faced an uncertain existence as illegal immigrants. Particularly in the interest of the children involved, this was deemed highly undesirable, and it was decided to place them in detention again, under specific, strict criteria, in a closed, purpose-built, family centre.

65. In 2017, the Return and Aliens Detention Bill will be debated in parliament. This bill establishes a new, separate regime that will apply specifically to aliens who are being held in detention on administrative grounds. The bill pays particular attention to the position of groups in vulnerable situations in relation to the imposition of aliens detention. It also furnishes statutory guarantees that detention will not be imposed if it would be

unreasonably onerous because of the alien's specific circumstances. The same provisions apply to border detention.

### 3. Shelter for undocumented migrants

66. Reception facilities are available for aliens whose applications to remain in the Netherlands have been irrevocably denied and who are obliged to leave the country. There is a national, central location that provides shelter and prepares those concerned to return to their country of origin or a country in which permanent residence will be possible. These persons are given further support with specific aids such as identity papers, tickets, and a sum of money for use following their return. This location also provides access to healthcare if necessary. For adult aliens, admission to this facility is conditional upon their demonstrable cooperation with the return procedure. This condition does not apply to families with minor children. Families whose applications for asylum have failed may remain in the facility until the youngest child in the family is eighteen years of age. The highest administrative court in the Netherlands and the European Court of Human Rights have ruled that these facilities for undocumented migrants are in conformity with the European Convention on Human Rights.

### 4. Children in alien policy[47]

67. The Netherlands' admission policy, both in the asylum procedure and in regular admission procedures, takes considerable account of the position of minors (those in families as well as unaccompanied minor asylum seekers). These children's need for protection is carefully examined, in accordance with EU and international law. Other important aspects include child-specific procedural safeguards covering matters such as providing shelter, education, social services and medical care, and keeping the family together. The interests of minors are also considered in the return procedure. For instance, unaccompanied minor asylum seekers are not expected to display the same degree of personal initiative or responsibility as adults. Also, the Amnesty Scheme for Minor Asylum Seekers[48] introduced an objective standard on the basis of which children who have lived in the Netherlands for many years can be given residence permits if certain conditions are fulfilled.

### 5. Statelessness

68. Stateless persons are treated equally to migrants with a nationality, aside from a few favourable exceptions. Stateless persons can apply for naturalisation after three years of legal residence in the Netherlands, as opposed to the standard period of five years.

69. Stateless people have to prove their statelessness in order to receive the benefits stated in both UN Conventions against statelessness and for obtaining Dutch nationality. The Netherlands is presently working on a draft bill for a determination procedure on statelessness. This bill will also enable children born stateless on Dutch soil without a residence permit to obtain Dutch nationality after five years of stable, factual residence.

70. Statelessness does not in itself constitute grounds for legal residence in the Netherlands. Stateless persons can be granted legal residence if they meet the requirements for asylum or regular residence. If they do not, but are unable, through no fault of their own, to return to a country in which they were formerly resident, they may be granted a residence permit. In other cases, stateless persons can be required to return to the country of origin or of former residence.

### 6. Self-determination programme

71. One element of the Netherlands' integration policy is the self-determination programme. Self-determination is about the ability and freedom to make one's own choices about matters such as education, training, recreational activities, choice of life partner, living alone, getting a divorce, and religion, without any pressure or coercion. The Netherlands is a democracy governed by the rule of law, in which everyone has the same rights and obligations, and self-determination is generally taken for granted. In some communities, however, honour and group pressure play a role. Violations of someone's right to self-determination occur primarily in relationships of dependency and inequality between a man and a woman. Examples include forced marriage, marital captivity, child marriage, abandonment, honour-related violence, a life of enforced isolation, and the non-acceptance of homosexuality.

72. The programme focuses primarily on prevention by encouraging discussion on taboo subjects within closed communities, and by campaigning against forced marriage by informing potential victims about the options that are available to them to prevent a forced marriage or abandonment.

### 7. Asylum seekers and their families in Aruba

73. Aruba is a signatory to the 1951 Refugee Convention through the 1967 Protocol relating to the Status of Refugees and has an asylum procedure in place.

74. The 2009 Admissions Decree provides that asylum seekers may stay in Aruba, and may take up employment, while their request for asylum under the terms of the Refugee Convention is being processed.[45] This also applies to the fulfilment of obligations arising from international conventions such as those on combating human trafficking.

### 8. Migration and Integration Survey 2016 Aruba

75. In the last quarter of 2016, the Central Bureau of Statistics conducted the 2016 Aruba Migration and Integration Survey (AMIS 2016). The main goal was to collect data on the characteristics and living conditions of migrants on Aruba, in particular recent arrivals: that is, people who were not born on Aruba and who settled there in the past ten years. The other members of their household were also interviewed, regardless of whether or not they were born on Aruba. AMIS 2016 consisted of a questionnaire on a variety of themes, for instance personal characteristics, migration history, economic activities, living conditions, migrants' intentions regarding residence on Aruba, integration into the Aruban community, and ties with Aruba and their native country.

## E. Physical integrity and personal liberty

### 1. Violence against women[46]

76. In recent years – partly in response to CEDAW recommendations - there has been a focus on increasing the gender sensitivity of the policy combating violence in relationships of dependency. A "gender scan" was carried out to examine the gender sensitivity of the policy's implementation. In the follow-up to this scan, a toolkit was compiled to help municipalities increase the gender sensitivity of their policies. In addition, a study was conducted on the intergenerational transmission of domestic violence.

77. The Sexual Violence Centres form an important part of the combat of sexual violence in the Netherlands. These have a multidisciplinary approach for victims of acute sexual violence, irrespective of age, by coordinating forensics, medical care and

psychosocial support. Thirteen of these centres are operational already and it is expected that the final three will follow suit in 2017.

78. To further improve the reporting procedure, the police's instruction for sexual violence cases has been renewed. It is specified how the procedure can be focused on the victim even more than before.

79. The Istanbul Convention entered into effect in the Netherlands on 1 March 2016.

### 2. "No mas, no more" proclamation on Curaçao

80. In November 2015, the Government of Curaçao launched a campaign to raise awareness regarding relational aggression, and assistance available to (potential) victims, including information on how to report cases to relevant authorities, and which organisations can help with further care and treatment of victims.

### 3. Victims of human trafficking, domestic violence and other crimes, who do not possess residence permits

81. The Human Trafficking Residence Arrangements are designed to achieve two objectives: to provide protection for those who allege that they are victims of human trafficking and who cooperate in criminal cases against perpetrators, and consequently to encourage victims to report the offences to the police.

82. Persons alleging that they are victims of human trafficking are entitled to a three-month period of reflection, from their first contact with the police, before deciding whether to press charges. This is to give them time to rest, acclimatise to their new situation, and to think about whether they wish to cooperate in investigating and prosecuting the trafficker. Those that do are given a temporary residence permit for the duration of the criminal proceedings. Victims who are unwilling or unable to press charges because of severe medical issues or serious intimidation may be issued a temporary residence permit for the period of one year. If criminal proceedings lead to a final and unappealable conviction, or if they last longer than three years and the victim has been in the possession of a residence permit for three years, the victim will on application be issued a residence permit on non-temporary humanitarian grounds.

83. Victims of domestic or honour-related violence may also be eligible for a humanitarian residence permit. Victims living in the Netherlands illegally may apply for a temporary humanitarian residence permit. If the threat of violence is still present after a year, the permit may be converted into a non-temporary residence permit. If a victim possesses a residence permit for residence with a partner and the relationship is severed because of domestic abuse or the threat of honour-related violence, the victim is eligible for a non-temporary humanitarian residence permit.

84. To encourage illegal immigrants who have witnessed or been the victim of other criminal offences to report the offences to the police and to ensure that these persons have access to justice, the Dutch police has given assurances since the beginning of 2016 that no action will be taken under immigration law when someone comes to report a crime. However, if it is suspected that the person is in the Netherlands illegally, the police will refer him or her to the IOM and other aid agencies that can provide assistance in the case of voluntary departure. Irregular immigrants have no advantages or disadvantages relating to their residence status resulting from this arrangement.

#### 4. Combating human trafficking in Aruba

85. In Aruba, sentences for human trafficking offences were increased in 2014. Under the Aruban Criminal Code, using the services provided by victims of human trafficking is now a punishable offence if it is known that the services are being provided under coercion.

86. The Counter Trafficking Taskforce Aruba drafted a new national anti-trafficking action plan for 2015-2019, formalised standard operating procedures to guide front-line responders in the proactive identification of trafficking victims and their referral for care, and established a Counter Trafficking Coordination Centre. In 2014-2016 several investigations were launched into possible cases of human trafficking and about 500 government employees were trained in recognising signs of human trafficking.

87. The Government of Curaçao also has a working group for Trafficking in Persons that monitors the status of cases and victims, promotes information sharing among relevant authorities, and enhances collaboration among government bodies in combating human trafficking and smuggling.

### F. Human rights and counterterrorism

88. The threat of terrorism has not bypassed the Netherlands. The Netherlands acknowledges that it has a duty to protect its citizens against this threat, but at the same time counter-terrorism measures have to be measured against the protection of human rights, such as the right to privacy, the freedom of expression, the freedom of movement and non-discrimination. The Netherlands, before taking any legislative or policy action to counter terrorism, always assesses whether the measure is necessary and proportionate and whether it may have any adverse effect on human rights. The analyses regularly provided by the National Coordinator for Security and Counterterrorism form the basis for any action. The National Counterterrorism Strategy of July 2016 provides a framework for counter-terrorism measures for the coming five years. Any concrete measure that leads to legislation is thoroughly assessed by the Council of State and debated in Parliament, so as to assure the observance of human rights and the rule of law.

89. An example in this context is the *Action Programme Integrated Approach to Jihadism*. With this programme, the government has taken measures to combat and weaken the jihadist movement in the Netherlands and to oppose radicalisation. It enumerates 38 measures that the government deploys in its effort to tackle violent jihadism. To implement this action programme, several additions to the statutory set of instruments entered into force in 2016. The new statutory powers make it possible to restrict the freedom of movement of radicalised individuals in the Netherlands, *inter alia* by banning them from leaving the country. The scope for stripping someone of their Dutch nationality has also been expanded. Naturally the statutory provisions and the application of these powers are formulated and executed within the parameters of the Dutch Constitution and the international human rights conventions. Procedures are in place to ensure the proper observance of human rights obligations in the application of these powers.

### G. Right to health

#### 1. Tobacco discouragement policy

90. The Netherlands actively strives to help smokers quit smoking, to prevent health damage from second-hand smoke and to discourage young people from taking up smoking. In 2017, its prevention efforts will be continued via *inter alia* www.rokeninfo.nl, school programmes and campaigns (NIX18 and Stoptober). There is a special focus on the

prevention of smoking by (expectant) parents. Insurers reimburse smoking cessation care. Furthermore, the Tobacco Act now includes a ban on smoking in public indoor areas, an 18+ age restriction, and (since May 2016) dissuasive images on packaging and a ban on distinctive flavours in cigarettes. New legislation is also being prepared in 2017 to ban the display of tobacco products in shops, to have smoke-free school grounds, and to prevent tobacco packaging from attracting attention of young people in particular. With these measures, the government aims to protect the right to the highest attainable standard of health, especially that of young people.

91. In April 2016, the Government of Curaçao passed a law to prohibit smoking in public places, in an effort to discourage persons from smoking, and to decrease the number of persons affected by smoking-related/ second-hand smoking diseases.

### 2. Improvements to community environments in Aruba

92. The government of Aruba has developed the *"Bo Aruba"* (Your Aruba) and *"Bo Barrio"* (Your Neighbourhood) programmes, which include the renovation of the country's two urban centres, Oranjestad and San Nicolas, and twenty other neighbourhoods on the island. The main priority of these programmes is to create more parks and public spaces to encourage movement and walkability, and to bring people together. They reflect the government's recognition of the link between health, happiness, and wellbeing. To promote greater social cohesion and social capital, every neighbourhood on Aruba will acquire a new community centre or multifunctional accommodation, which will offer the people a range of social services and activities under one roof.

### 3. Curaçao's Primary Care Policy

93. Following research on the social indicators of healthcare, and based on recommendations of the Pan American Health Organization, the Government of Curaçao developed a policy framework to make primary care more readily available to all citizens.

## H. Education

### 1. Civic education/ human rights education[47]

94. Civic education is a core task of Dutch education. It covers knowledge of the country's political institutions, the rules of Dutch society and corresponding behaviour. In January 2016, the Education Platform 2032 issued an advisory report on a new, future-oriented curriculum for primary and secondary education, in which it recommended giving civic education a more prominent place in the curriculum. The aim of this advice is to teach pupils about children's rights, human rights, the meaning of 'a democracy governed by the rule of law', and the collective values that underpin Dutch society. The publication of this report was followed by an in-depth study of the issues, which was completed in November 2016. The follow-up trajectory will be determined soon, that will culminate in an update of the curriculum.

95. Secondary vocational education has the task to promote the general education and personal development of students and to contribute to their social functioning. In secondary vocational education, civic education is an integral part of the curriculum. Recently, critical thinking skills and knowledge of human rights have been added to the requirements for civic education in secondary vocational education, in order to increase the social resilience of students.

96. In Aruba, civic education is included in the school curriculum at all educational levels, and these curricula are built up in a consistent line. Civic teaching materials that are appropriate to the Aruban context are being developed.

### 2. Radicalisation and education

97. If a young person radicalises, whether in the sphere of religion, animal rights, or political ideology, school is one of the places where this may become visible. A number of initiatives exist that can support educational establishments in their efforts to tackle radicalisation:

- The School & Safety Foundation supports and advises schools on all topics relating to (social) safety in schools. Topics range from bullying, sexual abuse, drug use, crisis management and LHBT safety to support and training on how to recognize and deal with radicalization. They also train and support teachers in engaging pupils in discussions about current events, social tensions and human rights. In addition, immediately after the Brussels attacks, this foundation posted guidelines online[48] to help teachers deal with pupils' questions, emotions, and opinions. A helpdesk is also available;
- Schools for senior secondary vocational education are also using a range of methods and instruments to enhance their approach to civic education. The civic education network, in which teachers meet to share information and to learn from each other, is undergoing further professionalization;
- Teacher training courses are doing more to help teachers develop the necessary skills to raise controversial subjects with pupils. Teacher training courses are also paying more attention to education and development in the widest sense;
- The Safe & Open Higher Education programme was set up as a platform to support institutions of higher professional education and universities in their continuing efforts to offer students and staff a safe work and study environment;
- A complementary approach has been developed within eighteen priority municipalities. Based on a risk analysis, these municipalities have made an inventory of the specific needs of their educational establishments, to whom extra support and training is (pro-actively) offered.

### 3. Education for school-age asylum seekers[49]

98. Child asylum seekers in the Netherlands are entitled to attend school as soon as possible after they have reached a safe and peaceful refuge. Policy is geared towards ensuring that school-age asylum seekers attend school as soon as possible. An important practical consideration here is the need for a certain degree of stability in the child's living conditions. Due to the current large, rapid influx of asylum seekers,[50] it is not always feasible for child asylum seekers to attend school from the day they arrive in the Netherlands.

### 4. Safety at school

99. Since August 2015, all primary and secondary schools in the Netherlands have a statutory obligation to guarantee social safety. Each school must draw up its own social safety policy, together with all those involved in the school (pupils, teachers, participation council, and parents) and apply it rigorously in the school's day-to-day operations. The impact of policy should be monitored, so that measures are based on the actual situation at the school and any changes that take place. The law prescribes that every school must appoint someone to coordinate policy on bullying and to serve as a contact point.

### 5. Safe School Protocol in Aruba

100. In 2011 a Safe School Protocol was signed in Aruba between all relevant stakeholders, creating a basis for cooperation. The members meet regularly and together try

to find solutions for practical problems. They will also provide input to shape the safe school policy that is to be developed.

101. The safe school guide and manual has been introduced at all schools. The manual describes best practices and policy on subjects such as: reducing potential security risks at school, rules and regulations regarding teacher and student conduct, security at schools, methods to combat drug abuse and bullying.

### 6. Free education in Curaçao

102. The National Ordinance for Free Education, introduced in Curaçao in June 2016, provides free primary and secondary education, including secondary vocational education, to all children aged 4 to 18, in public and private schools that receive public funds, without any parental contribution or any fees for materials being charged. In this context, three provisions have been incorporated into the National Ordinance:

- a regulation in which the government makes teaching materials available on loan;
- a regulation providing access to all educational facilities without any parental contribution; and
- a regulation to finance additional costs.

103. With this new Ordinance, 32,000 students between the ages of 4–18, have access to regular education without a significant impediment to parents and guardians.

## I. Freedom of expression

### 1. Hate speech[51]

104. The freedom of expression applies to every citizen, including politicians. It is, however, limited by articles 137c and 137d of the Penal Code, which prohibit intentional insult of, or incitement to hate, discrimination or violence against a group of persons because of their race, religion or belief, sex, sexual orientation or handicap. In 2014, the Public Prosecution Office prosecuted 134 cases on the basis of these provisions. In 2017, a covenant will be concluded between the Public Prosecution Office, the police and antidiscrimination organisations to promote cooperation in this area.

105. With regard to online hate speech, there is a national reporting point for criminal, discriminatory statements on the Internet (MiND). In 2017, a public awareness campaign against hate speech on the Internet will be launched. In cooperation with Twitter, Facebook and YouTube, organisations in the Netherlands are identified to which these companies can offer support to formulate counter speech against discriminatory statements on social media.

### 2. Right to strike in Aruba

106. Legal practice and case law have rendered the restrictions on public servants' right to strike obsolete. Public servants' right to strike is an acquired right, the lawfulness and effectiveness of which are examined by the courts. In both the public and private sectors, the right to strike is a last resort, and with growing frequency over the years the courts have ruled that this right constitutes a legitimate form of action.

107. The ban on strike action by public servants has been excluded from Aruba's revised Criminal Code, which entered into effect in 2014. Notification of the withdrawal of the reservation to article 8(1)(d) ICESCR has been deposited with the United Nations.

*Notes*

[1] See: recommendation 98.32.
[2] See: recommendation 98.34.
[3] See: the annex to the Netherlands' National UPR Mid-term Report (2014), also available at https://www.government.nl/documents/policy-notes/2014/03/19/national-action-plan-on-human-rights.
[4] See: recommendations 98.27, 98.28, 98.29 and 98.30.
[5] See: the annex to the Netherlands' National UPR Mid-term Report (2014), also available at https://www.government.nl/documents/policy-notes/2014/03/19/national-action-plan-on-human-rights.
[6] See: recommendations 98.21, 98.22, 98.23, 98.24 and 98.25.
[7] See: recommendation 98.26.
[8] Article 90 of the Dutch Constitution.
[9] See: recommendations 98.3, 98.5, 98.6, 98.9, 98.10, 98.11, 98.62 and 98.102.
[10] See: recommendations 98.9 and 98.15.
[11] See also: para. 23.
[12] Available at: https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/publicaties/2014/01/30/national-action-plan-on-business-and-human-rights/national-action-plan-en-def-rijkshuisstijl.pdf.
[13] See: https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec%282016%293&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true.
[14] See: recommendations 98.38, 98.46 and 98.50.
[15] See: recommendations 98.51 and 98.58.
[16] The National Action Programme to combat discrimination is annexed to this report.
[17] See: recommendation 98.68.
[18] See: recommendations 98.44 and 98.92.
[19] See: para. 27.
[20] See: recommendation 98.40.
[21] See: recommendation 98.57.
[22] See: paras. 26–27.
[23] See: recommendations 98.39, 98.40, 98.41 and 98.62.
[24] For example: *Eigen Kracht* and *Kracht on Tour*.
[25] For example: Single Super Mom, How 2 Spend It and *De Nieuwe Toekomst* ('The New Future').
[26] See: recommendations 98.93, 98.94 and 98.95.
[27] See: para. 28.
[28] See: para. 28.
[29] See: recommendations 98.31 and 98.89.
[30] See: recommendation 98.44.
[31] "Naturally together", see: www.natuurlijksamen.org.
[32] See: recommendations 98.41 and 98.62. For children's rights in relation to education, see: paras. 94–103.
[33] See: recommendations 98.38, 98.39, 98.76, 98.77, 98.78, 98.79, 98.81, 98.82 and 98.83.
[34] See: recommendation 98.84.
[35] Art. 493 of the Code of Criminal Procedure.
[36] See: recommendations 98.18 and 98.75.
[37] The books are called *Diza i su gritunan silensioso*, *Loke a pasa ku Ramita*, and *Fani su nò ta nò*.
[38] http://www.desaroyodihubentut.cw/visie/.
[39] *Veiligheidshuis* in Dutch.
[40] See, for example: *Weber & Saravia v. Germany*, no. 54934/00.
[41] See: recommendations 98.104 and 98.107.
[42] See: recommendations 98.106, 98.108, 98.112 and 98.113.
[43] See: recommendations 98.115 and 98.117.
[44] *Kinderpardon* in Dutch.

[45] Art. 19 of the Admissions Decree.
[46] See: recommendations 98.38, 98.39, 98.71, 98.72, 98.79 and 98.82.
[47] See: recommendations 98.33, 98.98 and 98.99.
[48] See: the Foundation's website at www.schoolenveiligheid.nl.
[49] See: recommendation 98.99.
[50] See also: para. 62.
[51] See: recommendations 98.42, 98.45, 98.52, 98.56, 98.58, 98.61, 98.63, 98.66, 98.70, 98.86, 98.87, 98.88 and 98.90.